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MCC:JJT:mel:2001V01054

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
WILLIAMSPORT, PA

DEC 10 2001

MICHAEL NORWOOD,
Plaintiff

v.

DONALD ROMINE, Warden,
Defendant

:
:
:
:
:
:

Civil No. 1:CV-01-1005
(Caldwell, J.)
(Smyser, M.J.)

MARV E. D'ANDREA, CLERK
Per KF
Deputy Clerk

DEFENDANT ROMINE'S MOTION TO DISMISS
AND FOR SUMMARY JUDGMENT

Defendant Romine asks this Court to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b) and to enter summary judgment in his favor pursuant to Fed. R. Civ. P. 56(b). A brief in support of this motion will be filed in accordance with M.D. Pa. Local Rule 7.5.

Counsel certifies that he has not obtained the concurrence of plaintiff pursuant to M.D. Pa. Local Rule 7.1 because plaintiff is a prisoner proceeding pro se.

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney

Joseph J. Terz

JOSEPH J. TERZ
Assistant U.S. Attorney
MICHELE E. LINCALIS
Paralegal Specialist
316 Federal Building
240 West Third Street
Williamsport, PA 17703

Dated: December 10, 2001

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL NORWOOD,	:	
Plaintiff	:	
	:	
v.	:	Civil No. 1:CV-01-1005
	:	(Caldwell, J.)
DONALD ROMINE, Warden,	:	(Smyser, M.J.)
Defendant	:	

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

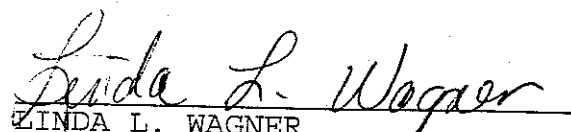
That on December 10, 2001, she served a copy of the attached

DEFENDANT ROMINE'S MOTION TO DISMISS
AND FOR SUMMARY JUDGMENT

by placing said copies in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

Michael Norwood
Reg. No. 06970-014
U.S. Penitentiary
P.O. Box 1000
Lewisburg, PA 17837


LINDA L. WAGNER
Legal Secretary

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL NORWOOD,	:	
Plaintiff	:	
	:	
v.	:	Civil No. 1:CV-01-1005
	:	(Caldwell, J.)
DONALD ROMINE, Warden,	:	(Smyser, M.J.)
Defendant	:	

O R D E R

NOW, this _____ day of _____, 2001, upon consideration of defendant Romine's motion to dismiss, IT IS HEREBY ORDERED THAT the complaint is dismissed with a certification that any appeal shall be deemed frivolous, lacking in probable cause and not taken in good faith.

WILLIAM W. CALDWELL
United States District Judge

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL NORWOOD,	:	
Plaintiff	:	
	:	
v.	:	Civil No. 1:CV-01-1005
	:	(Caldwell, J.)
DONALD ROMINE, Warden,	:	(Smyser, M.J.)
Defendant	:	

O R D E R

NOW, this _____ day of _____, 2001, upon consideration of defendant Romine's motion for summary judgment, IT IS HEREBY ORDERED THAT the motion is granted with a certification that any appeal shall be deemed frivolous, lacking in probable cause and not taken in good faith.

WILLIAM W. CALDWELL
United States District Judge